IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI BILAL NAZKI,

ACTING CHIEF JUSTICE

and
HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO : 4105 of 2005

Between:

Syed Ameenulla, s/o.Late Khader Saheb,
H/o Mukkavaripalli, Obulavaripalli (M), Kadapa District.

..... PETITIONER

AND

1 District Collector, Kadapa District at Kadapa.
2 Revenue Divisional Officer, Rajampet, Kadapa District.
3 Mandal Revenue Officer, Obulavaripalli (M), Kadapa District.
4 Grampanchayat, Mukkavaripalli (V), Obulavaripalli (M), Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be

pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not protecting the topu poramboke lands of Ac 13.21 cents in Sy No.1203/1, 1203/2 and also Ac 17.90 cents in Sy.No.1197 situated in Mukkavaripalli revenue village from being encroached upon, as illegal, irregular and violative of provisions of Art 14 and 21 of the Constitution of India and also the provisions of A.P. Panchayat Raj Act and consequently direct the respondents to protect the same for the public purpose or assign to houseless and landless poor persons and pass such other order or orders.

Counsel for the Petitioner : MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos. 1 to 3: GP FOR REVENUE

Counsel for the respondent No.4: MR. K.UPENDER REDDY.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Acting Chief Justice)

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1. Counter has not been filed despite giving an opportunity. Even on the last opportunity, nobody represents respondent No.4. In view of this position, on 28.04.2005 when the matter came up before us, we passed the following order.

> " Respondents have been served. Government Pleader for Revenue is appearing for respondent Nos.1 to 3. He has not filed counter. Despite having given last opportunity to file counter within a week on 13.04.2005, counter has not been filed on 20.04.2005. Again one week was granted to file counter. No counter is filed. The learned Government Pleader also does not address this Court, which means he has no objection if interim orders are passed. Nobody represents respondent No.4 despite service. Therefore, we direct respondents 1 to 4 to protect topu poramboku land of Ac.13.21 cents in Sy.No.1203/1, 1203/2 and also Ac.17.90 cents in Sy.No.1197, situated in Mukkavaripalli village, Obulavaripalli Mandal, Kadapa District, and no encroachment may be allowed".

2. In view of the order dated 28.04.2005, the writ petition shall stand finally disposed of. No costs.

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BILAL NAZKI. ACJ.,

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G. CHANDRAIAH. J.,

Dated: 13.06.2005.

VRK.

To

1 The District Collector, Kadapa District at Kadapa.
2 The Revenue Divisional Officer, Rajampet, Kadapa District.
3 The Mandal Revenue Officer, Obulavaripalli (M), Kadapa District.
4 The Grampanchayat, Mukkavaripalli (V), Obulavaripalli (M), Kadapa District.

5. Two CCs to G.P., for Revenue, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.

HON'BLE SRI BILAL NAZKI,

ACTING CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE

G. CHANDRAIAH.

W.P.NO. 4105 OF 2005.

(Order of the Bench delivered by

Hon'ble The Acting Chief Justice)

Dt: 13.06.2005.